

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 95-48268

MTG, Inc.,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING MOTIONS TO ALTER, AMEND OR RECONSIDER  
ORDER OF APRIL 16, 2010 (DOCKET # 1574)  
AND DENYING, AS MOOT, MOTIONS FOR STAY OF APRIL 16, 2010 ORDER**

This case is before the Court on the following motions:

1. “Plunkett & Cooney’s Motion to Alter, Amend or Reconsider Order of April 16, 2010 (DE 1506)” (Docket # 1574, “Plunkett & Cooney’s Reconsideration Motion”);
2. “Defendants Charles J. Taunt and Charles J. Taunt & Associates P.C.’s Motion to Alter, Amend, or Reconsider DE 1571, Etc.” (Docket ## 1580, 1577, “Taunt’s Reconsideration Motion”);
3. “Plunkett & Cooney’s Emergency Motion for Stay or for Immediate Consideration of its Motion to Alter, Amend Reconsider Order of April 16, 2010 (DE 1506)” (Docket # 1575, “Plunkett & Cooney’s Stay Motion”);
4. “Defendants Charles J. Taunt and Charles J. Taunt & Associates P.C.’s Emergency Motion for Stay of Execution on DE 1571, Etc.” (Docket ## 1579, 1576, “Taunt’s Stay Motion”).

Plunkett & Cooney’s Reconsideration Motion and Taunt’s Reconsideration Motion (collectively, the “Reconsideration Motions”) seek reconsideration of and/or relief from and/or alteration or amendment of the Court’s April 16, 2010 order entitled “Order Granting in Part, and Denying in Part, Trustee’s Motion for Disgorgement of Fees, Etc. (Docket # 1506)” (Docket # 1571, the “Disgorgement Order”). The Court has reviewed and considered the Reconsideration Motions and concludes that a hearing on the motions is not necessary.

The Court finds that the Reconsideration Motions each fail to demonstrate a palpable

defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. The allegations in the Reconsideration Motions do not demonstrate any grounds to alter or amend the Court's Disgorgement Order under Fed.R.Civ.P. 59(e), Fed.R.Bankr.P. 9023. Nor do they demonstrate any valid ground for relief from the Disgorgement Order under Fed.R.Civ.P. 60(b), Fed.R.Bankr.P. 9024.

The appropriate procedure for the Movants, if they do not want to pay the sums they have been ordered to pay, is to promptly appeal this Court's April 16, 2010 Disgorgement Order to the United States District Court. Upon filing a timely notice of appeal, Movants can seek a stay pending appeal under Fed.R.Bankr.P. 8005. If and when this Court grants any such stay pending appeal, the stay will be conditioned on the filing by each party of an appropriate supersedeas bond or other appropriate security.

Plunkett & Cooney's Stay Motion and Taunt's Stay Motion each seek an emergency stay of the Court's Disgorgement Order, until the Court has ruled on the Reconsideration Motions. Because this Order denies the Reconsideration Motions, the two stay motions are now moot.

Accordingly,

IT IS ORDERED that:

1. Plunkett & Cooney's Reconsideration Motion (Docket # 1574), is denied.
2. Taunt's Reconsideration Motion (Docket ## 1580, 1577), is denied.
3. Plunkett & Cooney's Stay Motion (Docket # 1575), is denied, as moot.
4. Taunt's Stay Motion (Docket ## 1579, 1576), is denied, as moot.

**Signed on May 4, 2010**

**/s/ Thomas J. Tucker** \_\_\_\_\_  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**